



## Notice of a public meeting of Planning Committee

- To:** Councillors Ayre (Chair), Derbyshire (Vice-Chair), Reid, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Galvin, Looker, Pavlovic, Richardson, Shepherd and Warters
- Date:** Wednesday, 14 March 2018
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

### AGENDA

There are no site visits proposed for this Committee.

#### 1. **Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

#### 2. **Minutes** (Pages 3 - 12)

To approve and sign the minutes of the last meeting of the Planning Committee held on 14 February 2018.

#### 3. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5:00pm on Tuesday 13 March 2018**. Members of the public can speak

on specific planning applications or on other agenda items or matters within the remit of the Committee.

To register, please contact the Democracy Officer for the meeting on the details at the foot of this agenda.

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## **4. Plans List**

This item invites Members to determine the following planning applications:

**a) Horwell Brothers Ltd Coal Yard, 11 Mansfield Street, York [17/02702/FULM] (Pages 13 - 40)**

Erection of four storey block and 2 storey block for student accommodation (100 bedrooms) with association cycle and vehicle parking and bin storage following demolition of existing building [Guildhall Ward]

**b) New Earswick Sports Club, White Rose Avenue, New Earswick, York [17/02835/FUL] (Pages 41 - 50)**

Erection of detached changing rooms for F1 Racing FC [Huntington/New Earswick Ward]

## 5. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

### Democracy Officer

Angela Bielby

Contact details:

- Telephone: 01904 552599
- Email: a.bielby@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

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**Abbreviations commonly used in Planning Reports**

(in alphabetical order)

AOD	above ordnance datum
BREEAM	building research establishment environmental assessment method
BS	British standard
CA	conservation area
CIL	Community Infrastructure Levy (Regulations)
CEMP	construction environmental management plan
CYC	City of York Council
DCLP	Draft Development Control Local Plan 2005
DCSD	Design Conservation and Sustainable Development team
dB	decibels
DEFRA	Department for Environment, Food and Rural Affairs
EA	Environment Agency
EDS	ecological design strategy
EIA	environmental impact assessment
EPU	Environment Protection Unit
FRA	flood risk assessment
FTE	full time equivalent
FULM	major full application
GCN	great crested newts
HGV	heavy goods vehicle
IDB	internal drainage board
IPS	interim planning statement
LBC	listed building consent
LGV	large goods vehicle
LPA	local planning authority
NERC	Natural Environment and Rural Communities Act (2006)
NHBC	National House Building Council

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
OAN	objectively assessed need
OUTM	major outline application
PROW	public right of way
RAM	reasonable avoidance measures
RTV	remedial target value
RSS	Regional Spatial Strategy
SHMA	Strategic Housing Market Assessment
SINC	Site of Interest for Nature Conservation
SHLAA	Strategic Housing Land Availability Assessment
SFRA	Strategic Flood Risk Assessment
SPD	Supplementary Planning Document
TPO	tree preservation order
TRO	Traffic Regulation Order
VDS	village design statement
WSI	written scheme of investigation
VAS	vehicle activated signage
VOA	Valuation Office Agency
WHO	World Health Organisation

City of York Council

Committee Minutes

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Meeting	Planning Committee
Date	14 February 2018
Present	Councillors Ayre (Chair), Reid, Cullwick, Doughty, Funnell, Galvin, Looker, Richardson, Shepherd, Flinders (Substitute for Cllr Derbyshire), Fenton (Substitute for Cllr Cuthbertson and Taylor (Substitute for Cllr D'Agorne)
Apologies	Councillors Cuthbertson, D'Agorne, Derbyshire, Dew, Pavlovic and Warters

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## 28. **Declarations of Interest**

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. Cllr Flinders declared an interest in the Hungate Block G application (item 4d), as a resident.

## 29. **Minutes**

Resolved: That the minutes of the last meeting held on 18 January 2018 be approved and then signed by the chair as a correct record.

## 30. **Public Participation**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee.

## 31. **Plans List**

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following planning applications, outlining the proposals and relevant

policy considerations and setting out the views of consultees and officers.

**32. Whinney Hills, Appleton Road, Acaster Malbis  
[17/00342/FUL]**

Members considered a full application by Mr and Mrs Clarke for the creation of new access, excavation of a pond and siting of two static caravans (part retrospective) at Whinney Hills, Appleton Road, Acaster Malbis.

Members were provided with an Officer update which advised that consideration had been given to implications that may arise from the European Convention on Human Rights (ECHR), in particular Article 8 (the right to respect for private and family life) and Article 1 (protection of property). It was considered that the recommendation to refuse the application as detailed in the report did not interfere with ECHR rights as City of York Council (CYC) was permitted to control the use of land in accordance with the wider public interest, and as such, the recommendation was considered to be a proportionate response to the submitted application based on the considerations set out in the report.

Officers clarified that the internal driveway related to a crushed stone above a membrane laid over the grass and did not comprise an excavation of the land.

Chelsea Clarke, representing the applicant, spoke in support of the application. She explained that at the time of purchase, the applicant had not been made aware by CYC that the land was in green belt. She noted that the applicant would like to install a temporary eco friendly log cabin in place of the two static caravans. She added that the applicant would be willing to compromise on the new access arrangements and pond.

In response to Member questions, Ms Clarke clarified that:

- When the solicitors acting on behalf of the applicant carried out the searches, the solicitor had not been informed that the land was in green belt.
- The applicants had a record of the written advice from CYC officers.

Officers were asked and explained that:



- With regard to green belt status being identified by the land searches during the purchase of the land, solicitors or conveyancers ask standard questions and they may ask specific additional questions regarding the status of the land.
- During a meeting with the applicant, the applicant had been informed that the land was in green belt and that the changes would require a planning application.

Following debate it was:

Resolved: That the application be refused.

Reason:

- i. The application site is within the general extent of the Green Belt as set out in Policy Y1 of The Yorkshire and Humber Plan - Regional Spatial Strategy. In accordance with paragraph 89 of the National Planning Policy Framework it is considered that the elements of the development that relate to the access, siting of the static caravans and the driveways constitute inappropriate development which, according to Section 9 of the Framework is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal conflicts with the essential characteristics of Green Belts (their openness and their permanence) and the purposes of including land within the Green Belt by resulting in encroachment of development into the countryside, and is harmful to the openness of the Green Belt. The Local Planning Authority has carefully considered the 'other considerations' put forward by the applicant in support of the proposals but has concluded that these considerations do not clearly outweigh the harm to the Green Belt and other harm (poor design, and harm to the intrinsic character of the countryside) when substantial weight is given to the harm to the Green Belt. As such very special circumstances do not exist to justify the proposal. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework and policy YH9 of the Yorkshire and Humber Plan and also conflicts with Draft Development Control Local Plan (2005) Policy GB1: Development in the Green Belt, and Policy GB1 of the Pre-publication Draft Local Plan (2017).

- ii. No special circumstances have been demonstrated that would justify the location of residential development in an unsustainable rural location that will increase car borne activities and is unrelated to services and amenities. As such it is contrary to paragraph 55 of the NPPF.
- iii. The proposed static caravans are of a poor design that fails to reflect local distinctiveness or the character of this rural area. As such the development is contrary to section 7 of the NPPF, policy GP1- Design criteria a), and b), of the City of York Draft Local Plan Incorporating the 4th set of changes, and policy D1 of the Pre-publication Draft Local Plan.
- iv. The proposed new access would result in the loss of a substantial area of hedge and tree planting in order to achieve the required sight lines. As such it would have an adverse impact on the intrinsic character of this part of open countryside, and conflict with one of the Core planning principles in the NPPF in relation to ‘recognising the intrinsic character and beauty of the countryside, together with that part of paragraph 32 that relates to achieving a safe and suitable access to the site for all people.

**33. New Earswick Sports Club, White Rose Avenue  
[17/02835/FUL]**

Members were advised that since the publication of the report, further discussion had taken place between the applicant and officers in order to resolve the submission of a case for “very special circumstances,” and to resolve concerns in respect of the precedent being set for the provision of additional sports facilities for each of the sports making use of the sports grounds. Therefore, it was:

Resolved: That the application be deferred.

Reason: In order to resolve the submission of a case for “very special circumstances” and concerns in respect of

the precedent being set for the provision of additional sports facilities for each of the sports making use of the sports grounds.

**34. Crabtree New Farm, York Road, Deighton [17/02824/FUL]**

Members considered a full application by Mrs Anna Hopwood for the use of agricultural land for the siting of 3 glamping cabins at Crabtree New Farm, York Road, Deighton.

Officers clarified the location of the access road and that the applicant had put forward a case for “very special circumstances” for the development.

Sam Harrison, agent for the applicant, spoke in support of the application. He noted that there had been no objections to the application. He explained the case for “very special circumstances” could be demonstrated and he noted a previous similar application which had been approved by the committee on that basis two miles from the site at Wheldrake. He considered the need for diversification in the farming sector as being “very special circumstances.”

Anna Hopwood, the applicant, then addressed Members in support of the application, explaining the case for “very special circumstances”. She explained that the farm consisted of 47 acres of land, which did allow an income to continue the farm business. She noted that no objections to the application had been received and other options for diversification on the farm had been examined and were unfeasible. She explained the size of the cabins and added that they had a minimal visual impact on other buildings in the area.

Members asked Anna Hopwood a number of questions to which she answered that:

- The reduction in the size of the land to 47 acres was the actual size of Crabtree New Farm.
- The installation of wind turbines, solar panels on the buildings and land and storage has been considered as areas of diversification. She explained why these were not feasible.

Officers were asked if the cabins could be screened off and they explained that the cabins would be visible from the track up the

highway and from Escrick Village (from the doctors surgery). The cabins could be screened off and would take time to grow and the addition of cars near the cabins would add to the domestication of the site.

Discussion followed, during which Members expressed a number of different views concerning the application. Whilst discussion took place, officers clarified that under paragraph 88 of the NPPF, Members needed to be satisfied that “very special circumstances” existed to overcome the harm to the green belt.

Cllr Galvin moved and Cllr Looker seconded a motion to defer the application. On being put to the vote, the motion was lost.

Cllr Taylor moved and Cllr Funnell seconded a motion to approve the application. On being put to the vote, the motion was lost.

Cllr Reid then moved and Cllr Flinders seconded the Officer recommendation to refuse the application. On being put to the vote, it was:

Resolved: That the application be refused.

Reason: It is considered that the proposed glamping pods constitute inappropriate development in the Green Belt as set out in Section 9 of the National Planning Policy Framework. As such, the proposal results in harm to the Green Belt, by definition, and harms the openness of the Green Belt and conflicts with one of the purposes of including land within it by failing to safeguard the countryside from encroachment. Additional harm has also been identified as a result of the impact of the introduction of the glamping pods in to an otherwise rural landscape. The circumstances put forward by the applicant do not clearly outweigh this harm and therefore do not amount to very special circumstances for the purposes of the NPPF. The proposal is, therefore, considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land'.

**35. Hungate Development Site, Hungate [17/03032/REMM]**

[Note: Councillor Flinders withdrew from the meeting during consideration of this item and took no part in the debate or decision thereon.]

Members considered a major reserved matters application by Hungate (York) Regeneration Limited for the approval of access, appearance, landscaping, layout and scale for Block G comprising 196 residential units with 459 square metres of commercial floorspace at ground floor (to comprise flexible retail/leisure uses), landscaped courtyard, pedestrian, cycle and vehicular (service) access, and associated infrastructure at Hungate Development Site.

Members were advised that:

- Since the submission of the scheme, the colour of the brick had been changed from light cream to a pink tone. The design was supported by the Council's architect.
- The building included a communal garden in the courtyard, roof terrace on the sixth floor and green roofs on levels 6, 7 and 8.
- Access from Garden Place was for service traffic.
- There was no dedicated car parking for Block G.

In response to Member questions, it was clarified that:

- The apartments in the building were intended for long term rental. The class for the use of the building (Class C3) did not distinguish between residential use for rental (long term or short term) and purchase.
- With reference to whether the cladding at the top of the building was combustible, the type of cladding used would have to be approved under the building regulations.
- Regarding whether a condition could be applied to restrict the short-term letting of the flats, officers explained that whilst it could be possible to do so if there was evidence to show that it was necessary in planning terms there were no grounds to put conditions on properties in the urban area.
- The views from Peaseholme Green were demonstrated.

Resolved: That the application be approved subject to the conditions listed in the report.

Reason:

- i. The development of Block G (the subject of this application for the approval of reserved matters) is derived from the outline element of Hybrid Planning Permission 17/02019/OUTM for the Revised Hungate masterplan. The Revised Masterplan was subject to an Environmental Statement, and is controlled by a series of parameter plans which form part of the outline permission, and are referred to in the planning conditions, as well as a planning condition controlling the type and quantum of development. The hybrid planning permission is also bound by Section 106 legal obligations.
- ii. The detailed proposals that have come forward as part of this submission are in accordance with the parameter plans approved as part of the outline application. These parameter plans established an envelope within which the future detailed design of blocks G and H would be brought forward. These indicate building heights of up to eight storeys, or a maximum of 35.7m, an underground car park (below Block H) and on street car parking/servicing, internal courtyards, public realm improvements and landscaping.
- iii. The layout and the scale of the development proposed are considered appropriate within the context of the site and the surrounding area. At ground floor, commercial /retail units would line the pedestrian route from the city centre (Stonebow) into the wider site with the scheme providing 420sq m of flexible commercial floor space accessed directly off The Stonebow and Hungate. A variety of uses including residents' entrance, lobby, gym and concierge would continue to provide an "active" frontage along the pedestrianised Hungate.
- iv. The predominant building material would be a red/brown toned brick to embed the development into the predominant brick tones of the city and a dark brick plinth would wrap around the ground floor signifying the change of use from residential to

commercial. The upper levels will be set back in places and clad in metal to give the appearance of a rooftop extension and to help break up the massing. The windows will be grouped into vertical pairs and aligned one on top of the other with regular spacing and sizes.

- v. Two areas of external residential amenity spaces are proposed within the scheme; the courtyard at ground floor, and the residents' roof terrace at the sixth floor. There are also small areas of planting and landscaping to the public realm. Green roofs will also be incorporated across the sixth, seventh and eighth floors which is welcomed by Officers. Three of the roof areas will be put down to a bio-diverse wildflower and grass turf mix. The landscaping proposed is supported by the Council's Landscape Architect.
- vi. A new vehicular access (approved as part of the outline application) would be formed on Garden Place and would only be used for servicing traffic. Car parking for Block G has also been considered and approved through the Hybrid Masterplan and consists of 74 car spaces within the multi story car park serving Block F. Similarly, the level of cycle parking being provided is to the same ratio as has been considered and approved through the aforementioned Hungate Hybrid masterplan.
- vii. In terms of the impact on heritage assets, this reserved matters application, which provides details of layout, external appearance and landscaping, is not considered to affect the conclusions made in the consideration of the outline application. Whilst there may be minor harm to the setting of the Conservation Area resulting from the scale and massing of the Stonebow elevation of Block G, there would be no harm to the character and appearance of the Conservation Area or to the setting of those listed buildings on the opposite side of Stonebow and across the river at Rowntree Wharf, resulting from the details of layout, design and landscaping, submitted as part of this reserved matters application.

**36. Premier Inn, Clifton Park Avenue [17/02572/FUL]**

Members were advised that the full application from Whitbread PLC for a two storey side extension to the existing Premier Inn hotel to provide 19 additional bedrooms and associated alterations to the existing car park had been withdrawn.

**37. Appeals Performance and Decision Summaries**

Members considered a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 October and 31 December 2017 and summarised salient points from those appeals.

Summaries of the appeals determined were attached at Annex A to the report. Of the 10 determined, 4 had been allowed. Appeals that currently remained outstanding were listed in Annex B. Excluding tree-related appeals, these numbered 18.

Officers were asked and explained that the inclusion of North Selby Mine in Annex B related to an appeal that had been held in abeyance and was likely to be withdrawn following the conclusion of a procedural issue with the Planning Inspectorate.

Resolved: That the content of the report and annexes be noted.

Reason: To confirm that Members are informed of the current position in relation to planning appeals against the Council's decisions, as determined by the Planning Inspectorate.

Cllr N Ayre, Chair

[The meeting started at 4.30 pm and finished at 5.55 pm].



**COMMITTEE REPORT**

**Date:** 14 March 2018      **Ward:** Guildhall  
**Team:** Major and      **Parish:** Guildhall Planning Panel  
Commercial Team

**Reference:** 17/02702/FULM  
**Application at:** Horwell Brothers Ltd Coal Yard 11 Mansfield Street York YO31 7US  
**For:** Erection of four storey block and 2 storey block for student accommodation (100 bedrooms) with association cycle and vehicle parking and bin storage following demolition of existing building  
**By:** Residential Capital (York) Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 16 March 2018  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 This application is for the erection of a four storey building and a two storey building with cycle, vehicular and waste storage to provide student accommodation (100 units in total).

1.2 The site is located to the east of Foss Islands Road. Access is along Mansfield Street, a small cul-de-sac of mixed commercial and industrial uses. Existing residential properties are located at Foss Place, Foss Court located to the south of Mansfield Street.

1.3 The site is located outside any conservation area and situated immediately outside the Central Area of Archaeological Importance. It is located within Flood Zone 3.

1.4 The land is an existing coal yard consisting of a single storey office building and enclosed yard with bunkering and storage bays. The site measures approximately 35 metres by between 32 and 39 metres with the addition of the office building area measuring 18 metres by 13 metres.

1.5 The proposal involves the demolition of the existing single storey office building and its replacement with a four storey structure to provide 96 bedrooms for student accommodation. The units are split into clusters of 5 or 6 en-suite rooms with associated kitchen and living areas (communal room). There are four clusters per floor with 3 additional self contained bedrooms on floors 1-3. The ground floor will provide a study room, concierge and office.

1.6 In addition, the plans indicate a separate 2 storey block with 5 car parking spaces, 56 cycle (double racking) storage spaces and 6 visitor spaces, bins storage areas on the ground floor and 4 self contained bedrooms on the first floor accessed via an external staircase.

## PLANNING HISTORY

1.7 15/01571/FULM Erection of four storey block for student accommodation (84 units) following demolition of existing building. Approved 23.11.2016

1.8 It does not appear that conditions have been discharged or work has started on site to implement this permission, other than archaeological investigations and other background works including land remediation.

1.9 The main difference between this current application and the approved scheme (above) is the increase in 16 bedrooms as a result of the internal rearrangement (the studio flats on the third floor have been removed) and the addition of the four self-contained bedrooms to the first floor of the additional block.

1.10 This application has been amended; the original scheme sought consent for 20 additional units however following revisions to the design of the third floor roof level to provide a set-back, two units at third level have been removed. The set back is considered to generally follow the design of the approved scheme and to avoid a sheer storey.

1.11 The original application achieved an internal ground floor level at 10.96m AOD which met the 1 in 100 year flood level. The current application has raised the internal ground floor level by 900mm to meet the Environment Agency requirement of 600mm above 100 year return event and 50% climate change allowance. Therefore the internal finished floor level has been raised to 11.64m AOD which has resulted in the roof height of the building increased by 0.45m.

## 2.0 POLICY CONTEXT

### NATIONAL PLANNING POLICY FRAMEWORK (NPPF) MARCH 2012

2.1 See section 4.

### DEVELOPMENT CONTROL LOCAL PLAN (DCLP) 2005

2.2 City of York Council does not have a formally adopted Local Plan. Nevertheless The City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) was approved for Development Management purposes (the DCLP).

2.3 The 2005 Draft Local Plan (DCLP) does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Its policies are however considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are consistent with those in the NPPF, although it is considered that their weight is very limited.

2.4 The DCLP policies relevant to the determination of this application include:

E3b	Existing and proposed employment sites
ED10	Student Housing
GP1	Design
GP4a	Sustainability

## EMERGING LOCAL PLAN

2.5 On 21 February 2018 the Publication Draft York Local Plan 2018 (“2018 Draft Plan”) was published for the final six week consultation. The emerging Local Plan policies contained within the 2018 Draft Plan can only be afforded limited weight at this stage of its preparation, and subject to their conformity with the NPPF and the level of outstanding objection to the policies in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

2.6 The main draft policies that are relevant to matters raised by this application are:

- SS1: Delivering Sustainable growth for York
- SS3: York City Centre
- DP2: Sustainable Development
- DP3: Sustainable Communities
- T1: Sustainable Access
- H2: Density of Residential Development
- H7: Student Housing
- CC2: Sustainable Design and Construction of New Development
- ENV2: Managing Environmental Quality
- ENV4: Flood Risk
- ENV5: Sustainable Drainage

## 3.0 CONSULTATIONS

### INTERNAL

### HIGHWAY NETWORK MANAGEMENT

3.1 Advice have been received in respect to cycle parking, to ensure the bike storage area is adequate for the level of cycle parking to serve the proposed development.

## PLANNING AND ENVIRONMENTAL MANAGEMENT (FORWARD PLANNING)

3.2 No response has been received at the time of writing.

## PLANNING AND ENVIRONMENTAL MANAGEMENT (ARCHAEOLOGY)

3.3 This site is situated immediately outside the Central Area of Archaeological Importance. It is located north-east of the Kings Fishpool and south of Layerthorpe and the medieval bridge across the King's Fishpool. Archaeological deposits and features dating from the Roman-medieval period are known to survive in this area.

3.4 A desk based assessment for this site was completed in March 2015. It recommended evaluation trenching due to the close proximity to the former medieval church of St Mary and the high probability of post-medieval and early modern archaeology on the site.

3.5 An archaeological evaluation will be required to establish the nature and depth of any archaeological features which exist on site.

## HOUSING STRATEGY AND DEVELOPMENT

3.6 Confirmation that a restriction will be placed on the application so that it cannot be used for non student residential accommodation (or at least, not without an appropriate affordable housing contribution being provided).

## FLOOD RISK MANAGEMENT TEAM

3.7 The Flood Evacuation Plan submitted with is a very comprehensive document and based on its content the application is supportable.

## PUBLIC PROTECTION

3.8 The submitted noise survey acknowledges the high level of noise associated with the adjacent construction sites (it is notes that the noise report was undertaken in 2016 and at present there does not appear to be any major construction works in the area, although given the nature of the area, there is potential for this to be an issue again). Public protection is however satisfied that the amenity of students will be protected with the use of specific glazing to windows and trickle ventilation and this is to be conditioned. They also comment that they are not aware of any recent significant changes to land use in the area which would cause expected noise conditions in this area to have changed substantially since the time the submitted noise report was compiled.

3.9 In addition conditions are required to achieve an electric hook up point in the car park area, and environmental management plan during the construction phase of the development and the installation of plant and equipment.

3.10 The applicant has submitted a remediation strategy in order to address the previous conditions relating to land contamination. Preliminary Investigation Report and a Geo-Environmental Assessment show that the site is currently occupied but a scrap metal merchant and coal yard. An intrusive site investigation was carried out in August 2017 however site access was limited. Further, a remediation strategy has also been submitted.

3.11 The reports are acceptable but additional site investigation work is still required in the previously inaccessible areas to fully characterise the contamination regime at the site. Conditions are therefore recommended including a remediation strategy which cannot be finalised until the additional site investigation work is complete.

## WASTE SERVICES

3.12 Requested adequate waste storage provision for waste and recycling materials was provided on site given the potential numbers of students. Any further comments shall be reported verbally at the meeting.

## EXTERNAL

### GUILDHALL PLANNING PANEL

3.13 No response has been received at the time of writing.

### YORKSHIRE WATER

3.14 No objection to the proposal from the developer to cut back the existing 3" diameter water main located within the site.

3.15 The Flood Risk Assessment is acceptable. The report states that foul water will discharge to public combined sewer and with respect to surface water, sub-soil conditions may support the use of soakaways.

## ENVIRONMENT AGENCY

3.16 Provided the Sequential test is passed there are no objections to the application subject to conditions which seek to ensure that the details in the submitted floor risk assessment are implemented.

## POLICE DESIGNING OUT CRIME (DOC) OFFICER

3.17 The most significant crime issues in the area that could affect this development are criminal damage, burglary and theft of cycles; with anti-social behaviour a problem. Request that the conditions imposed on the extant permission are replicated should the application be approved.

## SITE NOTICES AND PUBLICITY

3.18 No letters of representation have been received.

## 4.0 APPRAISAL

### 4.1 Key Issues

- o Principle of the development (loss of employment land/student housing)
- o Siting and design
- o Residential amenity
- o Highways access and parking arrangements
- o Sustainability (of the buildings)
- o Flood risk and drainage

## POLICY CONTEXT

### NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies. The framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

4.3 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible.

4.4 The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. At paragraph 20, to help achieve economic growth, the NPPF sets out that Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Paragraph 22 advises that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

4.5 The government advises at paragraph 50 that to deliver a wide choice of high quality homes, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

4.6 Paragraph 103 says that when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment following the sequential test and if required the exception test it can be demonstrated that within the site the most vulnerable development is located in areas of lowest flood risk unless there is an overriding reason to prefer a different location and development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning and it gives priority to the use of sustainable drainage systems.

4.7 In the absence of a formally adopted Local Plan the most up-to date representation of key relevant policy issues is the NPPF and it is against this Framework that the application should be considered alongside other material considerations. Paragraph 14 of the NPPF says that at the heart of the NPPF is a presumption in favour of sustainable development for decision taking. This means that where the development plan is absent, silent or relevant policies are out-of-date granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies indicate development should be restricted.

#### DEVELOPMENT CONTROL LOCAL PLAN (DCLP) 2005

4.8 The following draft policies are considered to be of some relevance, in that they are in accordance with the principles of the NPPF, albeit they are given very little weight.

4.9 Policy E3b (existing and proposed employment sites) seeks to resist the loss of existing employment sites and retain them within their current use class. In order to determine if there is sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in qualitative and quantitative terms, evidence that the site has been marketed (for at least 6 months) should be sought. In addition either point b), c) or d) of policy must be met.

4.10 Under Policy ED10 (Student Housing) planning applications for off campus residential accommodation on windfall sites should meet a series of criteria. The applicants must demonstrate an identified need for the development and give consideration to accessibility to educational establishments by means other than the car, scale and location and the amenity of nearby residents. Car parking must also be satisfactorily managed.

4.11 Policy GP1 (Design) expects new development to respect or enhance the local environment and to be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate

building materials and to ensure that residents living nearby are not unduly affected by noise and disturbance.

## EMERGING YORK LOCAL PLAN

4.12 The site is also an existing employment site. Draft Policy EC2 (Loss of Employment Land) continues the approach to existing employment land set out under E3b in the DCLP. When considering proposals uses which involve the loss of land and/or buildings which are either identified, currently used or were last used for industrial business, office or other employment uses, the Council will expect developers to provide a statement to the satisfaction of the Council demonstrating that the existing land and/or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and the proposal would not lead to the loss of a deliverable employment site that is necessary to meet employment needs during the plan period.

4.13 Students form an important element of the community and the presence of a large student population contributes greatly to the social vibrancy of the city and to the local economy. The Council encourages purpose built student accommodation where there is a proven need and it is designed and managed in a way that attracts students to take it up under emerging Local Plan policy H7 (Student Housing). This continued the approach to student housing in the DCLP.

## PRINCIPLE OF THE DEVELOPMENT

4.14 The site is previously developed land sustainably located close to the city centre. The principle of encouraging the effective use of land by reusing land that has been previously developed in this location is supported by the NPPF. Student housing can relieve the pressure on 'traditional' housing and provide a level of employment. The NPPF seeks to boost significantly the supply of housing and to encourage sustainable economic uses. As such, the general thrust of the NPPF is supportive of the development proposed.

4.15 Furthermore, there is an extant permission for the redevelopment of the site to provide a four storey block providing 84 student bedrooms. It is a material planning consideration in the assessment of this current application. The changes between the current application and the extant scheme are addressed in more detail above in section 1, and comprise primarily of an increase in student bedrooms (16, minor design changes including an increase in height of the four storey building following the raising of the internal ground floor level to meet the Environmental Agency's most up-to-date requirement on flood resilience measures.

4.16 The current evidence is that there is no demand for employment uses on this site and the current use is not likely to remain. The applicant is undertaking some background site investigation works (archaeology and land contamination) that were



subject to conditions under the approved scheme, with a view that these documents facilitate the new proposed development.

## STUDENT HOUSING

4.17 The DCLP through draft policy ED10 and the emerging Local Plan through draft policy H7 are relevant to applications for student housing. Policy ED10 (Student Housing) says planning applications for off campus residential accommodation on windfall sites should meet a series of criteria. The applicant must demonstrate an identified need for the development and give consideration to accessibility to education establishments by means other than the car, the scale and location of the development is acceptable and the impact of the amenity of nearby residents would not be detrimental. Car parking must also be satisfactorily managed.

4.18 The previous approved scheme provided a report setting out the need for additional student accommodation. Whilst the application was determined in 2016, Council records indicate that there have been no approvals for large scale purpose built student accommodation and as concluded previously, there is still a demand for student accommodation bed spaces. The proposal for 20 additional units is also acceptable in regards to policy ED10. Other elements of draft policy ED10 are considered below.

## SITING AND DESIGN

4.19 The site is located at the end of Mansfield Street; a small cul-de-sac accessing a range of commercial uses. The site itself is surrounded by industrial and retail development and site about 1m lower than land to the north, east and south. There is an existing single storey office building on the south west side of the land, the remaining yard area is used for the storage of coal and consists of an impermeable surfaced area with brick wall boundary.

4.20 The design retains the main building as a four storey block. The application initially sought to provide a fully glazed sheer building, however amended plans have been submitted that re-introduces the top floor as a recessed element and to reduced the amount of glazing. It is considered that the amended plans represent an improvement and the measures taken lessen the visual significance of the upper floor level, particularly given the increase in the height arising from the raising of the finished floor level.

4.21 The main block is accessed from its western side via a pedestrian access gate, set back from the road. The north and south elevations are set 5m from the northern and southern boundaries and a little less from the eastern boundary. The narrow area around the building which is enclosed by a 2m high wall provides the external space for the accommodation.

4.22 The height of the main building previously approved measured 12m in height. Taking into account the raising of the building and the increase in roof height, the building will now measure 13m (approx). This will result in the building being higher than the gym building on the western side and marginally higher than the highest part of the adjacent and now converted (to residential use) former William Birch office on Foss Place. The industrial uses at the rear of the site and former Topps Tiles to the north are industrial buildings on a single level. Being set a metre above the site level reduces the differential in height between the existing and proposed structures nevertheless in views of the building from the east and from Layerthorpe to the north the building will be visible.

4.23 Whilst this application would result in a taller building to the approved scheme, an increase in height of 1m is considered acceptable. Whilst the building remains large in scale and the design is different to its immediate surroundings, it remains that there is no overriding character to the area that would preclude the approach to development proposed by the applicant and there would be no reasonable basis to object to the proposed scheme on design grounds.

4.24 The scheme involves a secondary building, positioned to the south west of the main building, which will be two storeys in height incorporating enclosed cycle and waste stores at ground floor level and four additional residential units at first floor level. The building will also accommodate car parking, with a car port style design. This will replace the existing single storey office building. The approved scheme permitted a single store building in this location. It is considered that this building would reflect the character of the main building and would not be overly dominant. As with the main building, there is no reasonable basis to object to the proposed scheme on design grounds.

4.25 The site plan identifies the proposed improvement to the site boundaries, which include a mix of retaining and re-pointing existing brick walls, additional brick walls and vertical timber boarding. A plan showing the detail of the proposed boundary treatment has been provided, however it is noted that these do not match. Further, it is detailed to have a 1.8m high brick wall to the front boundary of the site, adjacent to Mansfield Street could have an imposing appearance, particularly at the main entrance points. The details of boundary treatments could be secured by a condition to ensure that they are suitable for the character and appearance of the area, whilst offering security benefits.

## RESIDENTIAL AMENITY

4.26 The closest residential development to the site is located in the former William Birch Offices, which have been converted under Permitted Development rights following the approval of a prior notification application. Student housing has also been constructed on a site to the east. However the site's nearest neighbours are commercial uses; retail, leisure and industrial. As with the previous scheme, Public Protection are satisfied with the scheme, subject to appropriate glazing, that the

buildings will provide an acceptable residential environment for students and support the application subject to a condition requiring noise insulation details.

4.27 The detached two storey building providing four residential units will be positioned to the south east of the main building. The external staircase of the smaller building will be positioned up to the windows of the main building, which will serve communal areas. As such, the position and close proximity of the smaller building would not reduce the residential environment for students on the ground or first floors within the main building.

4.28 The self contained flats at first floor of the second block would have an outlook over the parking and existing low level buildings. It is considered that the flats would receive adequate daylight and sunlight. Concern has been raised as to the external access arrangements, however in order to accommodate internal access, the building would have to be larger, and may not be able to be accommodated within the site.

4.29 The site's current environment is not one which a residential use can easily be envisaged, however the site has an extant permission for residential use. Furthermore, city centre facilities are close by and the cul-de-sac location means traffic and pedestrian movements are relatively low. On balance, it is maintained that the development will provide an acceptable residential environment for student housing.

## HIGHWAYS ACCESS AND PARKING ARRANGEMENTS

4.30 The proposed student accommodation is close to the city centre, public transport and the University of York St John. It is within easy cycling distance of the University of York and therefore deemed to be situated in a sustainable location.

4.31 The block is situated at the head of a road which currently does not have a turning head. Parking restrictions protect the free flow of traffic in this and nearby streets. Although the site is considered to be in a sustainable location, the limited off-street parking means that without viable sustainable travel alternatives being promoted, the development has the potential to still attract multiple car ownership but without the of-street facilities to accommodate them. As with the approved scheme, to address this, a travel plan to incentivise sustainable travel and reduce the potential impact on the highway would be secured via conditions.

4.32 The scheme now proposes 100 units with 56 covered and secure cycle spaces within the separate block. The cycle racks are arranged with a double rack mechanism. In addition there will be 6 visitor cycle parking spaces to the front of the building. Therefore there is a provision of at least half of the units having cycle parking provision. DCLP Appendix E normally requires one parking space per unit; however the Council have adopted a lower requirement (50%) in similar student accommodation sites nearby.

4.33 Vehicular access for construction is very restricted, being accessible by Mansfield Street only and at the end of a narrow street with limited turning for large vehicles. As with the approved scheme, a condition for a method of works will be imposed to mitigate the impact on the adjacent highway during construction.

#### SUSTAINABILITY (Building Design and Accessibility)

4.34 The application is supported by a sustainability statement which indicates that the building envelope will be a high performing construction. It is proposed that a condition be attached to require the building to achieve BREEAM 'very good' standard to accord with the requirements of the Council's Interim Planning Statement on Sustainable Design and Construction. The applicant has also considered the scheme against policy GP4a of the DCLP which seeks to ensure that development considers the principle of sustainability through a number of criteria. As with the previous scheme, officers are satisfied that based on the parameters of GP4a, and with appropriate conditions, that the site achieves the requirements of GP4a in an accessible urban location on previously developed land.

#### FLOOD RISK

4.35 Paragraphs 100 -103 of the NPPF advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk of flooding to land with the lowest probability of flooding through application of a Sequential Test. The Flood Risk Assessment (FRA) will provide the basis for applying the Sequential Test. Should the Sequential Test conclude that no other sites are available; the proposal is then required to pass an Exception Test.

4.36 The site is located within Flood Zone 3a where a high probability of flood risk exists. The existing use of the site is a 'less vulnerable' use according to the NPPF and the proposed use is a 'more vulnerable' use. The proposal would therefore be an increase in the flood risk vulnerability of the site. Paragraph 103 of the NPPF says that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

4.37 The previous application was accompanied by an FRA. This was supported by a comprehensive Sequential Test which looked at a total of 73 sites to establish

whether there are other reasonably available sites for the proposed development in areas with a lower probability of flooding. This concluded that no other site in the geographical area is available for the development. The application details show that there is a demonstrable need for university accommodation within the city and that there are no other available sites in more suitable locations. Since the extant permission was determined on this site, council records indicate that there have been no large-scale applications submitted for purpose-built student accommodation within the City. Therefore it reinforces the need for this type of purpose built student accommodation in the City.

4.38 As the Sequential Test has concluded that no other sites are available, the proposal is required to pass an Exception Test.

4.39 As set out in paragraph 102 of the NPPF there are two parts of the Exception Test which must both be passed for the development to be permitted:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific FRA must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

4.40 In respect of the first part of the test, the development makes use of previously developed land in a central location, close to the local amenities and close to the universities the accommodation will serve, accessible by sustainable transport modes, which is provided by the scheme. The ability to provide purpose built student accommodation is a benefit as it can free up existing market housing and more appropriately meet student housing needs. The site is located within an industrial/retail area and thus the noise disturbance would not have a negative impact upon neighbouring properties. The scheme could achieve local requirements in terms of sustainable design and construction.

4.41 In respect of the second part of the test, the building has been designed with an undercroft that allows water to pass through the structure during the event of a flood. The internal ground floor level has been raised by 900mm and the finished floor level would be 11.640 AOD for the four storey building. The finished floor level of the first floor (habitable areas) of the two storey block is 13.03mAOD, which exceeds the finished floor level requirements against flood levels. The flood risk assessment includes flood resilient construction measures to be an integral part of the building design. As with the previous application, whilst the occupants of the building would be safe in the event of flood they would not be able to exit the building and would need rescuing in the event of flood. In order to be assured that the building would be safe for its life time and could provide safe access and escape routes an updated flood evacuation plan has been submitted. A condition shall ensure that the applicants and the occupants of the buildings follow the correct procedure in the event of a flood.

4.42 In accordance with York's Strategic Flood Risk Assessment surface water drainage from the site would be reduced, to 70% of the existing rate. This shall be achieved through site storage and a hydrobrake system, which would accommodate and restrict surface water run-off accordingly.

4.43 The Environment Agency is not objecting to the proposal subject to conditions in relation to the submitted Flood Risk Assessment.

4.44 In accordance with paragraphs 100-103 of the NPPF and the submitted flood risk assessment and flood evacuation plan, the development is considered to meet the sequential test, demonstrating that there are no other suitable sites in the geographical area to accommodate this type of development. The exception test has been applied. Given that the site is previously developed land offering sustainability benefits to the community along with the development incorporating suitable flood resilient construction measures and design and the application is supported by a flood evacuation plan, the application is considered to comply with the NPPF in regards to Flood Risk.

## ARCHAEOLOGY

4.45 This site is situated immediately outside the Central Area of Archaeological Importance. It is located north-east of the Kings Fishpool and south of Layerthorpe and the medieval bridge across the King's Fishpool. Archaeological deposits and features dating from the Roman-medieval period are known to survive in this area. Policy HE10 of the DCLP is relevant. The policy seeks to assess and preserve (at least 95% of) important archaeological remains.

4.46 A desk based assessment for this site was completed in March 2015. It recommends evaluation trenching due to the close proximity to the former medieval church of St Mary and the high probability of post-medieval and early modern archaeology on the site.

4.47 An archaeological evaluation will be required to establish the nature and depth of any archaeological features which exist on site. This work should ideally be carried out in advance of determining the application. However, city archaeologist is prepared to accept that this work can proceed after the application has been determined provided conditions are attached which require evaluation and excavation works.

## 5.0 CONCLUSION

5.1 As the development plan is absent, silent or out-of-date, the presumption in favour of sustainable development set out in the second limb of paragraph 14 of the NPPF is engaged. This directs that planning permission should be granted unless any harm significantly and demonstrably outweighs the benefits. This forms the policy

basis for the determination of this application, alongside other material considerations.

5.2 The site is previously developed land, sustainably located close to the city centre. The principle of encouraging the effective use of land by reusing land that has been previously developed is supported by the NPPF. Student Housing can relieve the pressure on 'traditional' housing and provide a level of employment. The NPPF seeks to boost significantly the supply of housing and to encourage sustainable economic use as such as the general thrust of the NPPF is supportive of the development proposed.

5.3 As with the previous scheme, the loss of the employment site is supported and there is a need for student housing. The Publication Draft York Local Plan policy ED10 (student Housing) says planning applications for off campus residential accommodation on windfall sites should meet a series of criteria. The applicant must demonstrate an identified need for the development and give consideration to accessibility to educational establishments by means other than the car, the scale and location of the development should be acceptable and the impact of nearby residents should not be detrimental. Car parking must also be satisfactorily managed. In accordance with draft policy ED10 it is considered that the applicant has shown the need for the development.

5.4 Furthermore it is considered that the site has an acceptable relationship to adjacent development, and the additional two storey block, would not impact upon the amenity of the residents of the main block and would provide an acceptable standard of amenity for the occupiers of the block itself. Management of the car parking would be conditioned. The application is considered to comply with the requirements of policy ED10.

5.5 The application has been informed by a site-specific flood risk assessment following a sequential test and the exception test to ensure that flood risk is not increased elsewhere and further demonstrates that the development is appropriately flood resilient and any residual risk can be safely managed. The sequential and exception test in respect to flood risk are accepted and the proposals complies with paragraphs 100-103 of the NPPF in this regard.

5.6 In conclusion, it is considered that the proposed scheme would not have adverse impacts that would significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF taken as a whole , taking into account the details of the scheme and any material planning considerations. The proposal is thus sustainable development for which the NPPF carries a presumption in favour.

## **6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

17029-P100 E Site plan proposed  
17029-P105 D Elevations proposed  
17029-P106 D Elevations proposed  
17029-P112 B Elevations proposed  
17029-P111 B Elevations proposed  
17029-P101 C Floor plan (ground floor) proposed  
17029-P102 B Floor plan (first floor) proposed  
17029-P103 B Floor plan (second floor) proposed  
17029-P104 C Floor plan (third floor) proposed  
17029-P107 C Roof plan proposed  
17029-P108 E Detached Cluster ground floor plan proposed  
17029-P109 B Detached Cluster first floor plan proposed  
17029-P110 D Detached Cluster proposed elevations  
17029-P120 Boundary Treatment  
Flood Evacuation Plan dated 23 February 2018

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: In the interest of achieving a visually cohesive appearance to accord with policy GP1 of the Draft Development Control Local Plan 2005 (incorporating 4th set of changes) and the NPPF.

4 Prior to occupation a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall illustrate the number, species, height and position of trees and shrubs to be planted. This approved scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a



similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: The plans do not currently show the landscaping details to ensure that landscaping includes variety, suitability and disposition of species within the site.

5 No demolition or development shall take place until an archaeological evaluation of the site has been completed in accordance with a scheme of archaeological work that has been submitted to and approved in writing by the local planning authority and a report on the results of the said archaeological evaluation have been submitted to the Local Planning Authority and approved in writing.

The scheme shall include ;

- i) The programme and detailed methodology of archaeological field work investigation (which shall include a trial trench);
- ii) The programme for post investigation assessment;
- iii) Provision to be made for analysis of the field work investigation and recording;
- iv) Provision to be made for publication and dissemination of the analysis and records of the field work investigation; and
- v) Provision to be made for archive deposition of the analysis and records of the field work

Reason: The information is sought prior to commencement because the site is located within an area identified as being of archaeological interest. The investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ in accordance with Section 12 of the National Planning Policy Framework

6 If, following the carrying out of the archaeological evaluation required by condition 5, the Local Planning Authority so requires an archaeological excavation of the site shall be carried out. No demolition or development shall be carried out until the said excavation has been completed.

The excavation shall be carried out in accordance with a detailed methodology (to include trenches, community involvement, post-excavation analysis, publication and archive deposition), which shall first be submitted to and approved in writing by the said Authority. Reasonable access shall be afforded to any Local Planning Authority nominated person who shall be allowed to observe the excavations. A report on the excavation results shall be submitted to the Local Planning Authority within twelve

months of the completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to ensure that archaeological features and deposits identified during the evaluation are recorded before development commences, and subsequently analysed, published and deposited in an archaeological archive

7 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development and including car parking and material storage areas shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved CEMP.

Reason: The site is a constrained site in terms of egress/access with limited parking and storage areas, with a mix of neighbouring uses including residential and the CEMP is required to minimise the impact of demolition, site preparation and construction on local residents and local environment.

#### INFORMATIVE:

For noise details on types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. Details should be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Monitoring results should be measured at least twice a day and result recorded of what was found,

weather conditions and mitigation measures employed (if any).

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

The CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

8 No development shall take place until a detailed scheme of noise insulation measures for protecting the student accommodation from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works no part of the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority. The approved and installed noise insulation measures shall thereafter be maintained for the life time of the development.

INFORMATIVE: The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and to ensure that the internal LAFMax level during the night (23:00-07:00 hours) does not exceed 50dB(A) on any occasion or 45dB(A) on more than 10 occasions in any night time period. These noise levels shall be observed with all windows open in the habitable rooms or with windows shut and other means of ventilation provided.

Reason: The site is located within a mixed use area and it is necessary to ensure that the building envelope would provide adequate protection from external noise sources before development commences and subsequent noise monitoring is undertaken in order to protect the amenity of students occupying the site in accordance with the National Planning Policy Framework.

9 Details of all machinery, plant and equipment to be installed in or located within the buildings hereby permitted or with the site shall be submitted to the local planning authority for approval in writing. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To safeguard the amenity of occupants of neighbouring premises

10 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

11 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself. City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test. If SuDs methods can be proven to be unsuitable then in accordance with City of York Council's Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above. Surface water shall not be connected to any foul

/ combined sewer, if a suitable surface water sewer is available. The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Reason: So that the Local Planning Authority may be satisfied with that adequate foul and surface water drainage have been installed prior to first occupation of the site.

12 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that adequate drainage arrangements have been installed prior to first occupation of the site.

13 Prior to the occupation of either building hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority as to the position within the development of one (1) Electric Vehicle Recharging Point. The Electric Vehicle Recharging Point shall be in a prominent position on the site and shall be for the exclusive use of zero emission vehicles. The Electric Vehicle Recharging Point shall be installed prior to occupation of any part of the development and shall be thereafter maintained in the location as approved for the lifetime of the development

Notes: Electric Vehicle Recharging Point means a weatherproof, outdoor recharging unit for electric vehicles with the capacity to charge at 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

14 The development hereby approved shall accord with a Student Arrivals Traffic Management Plan commencing upon occupation of any part of the development. Prior to the occupation of the site, details shall be agreed in writing with the Local Planning Authority of arrangements to manage student arrivals and departures on the adjacent public highway at term change-over times. The agreed Traffic Management Plan shall be implemented upon occupation of any part of the development and shall be thereafter maintained to the satisfaction of the Local Planning authority for the life time of the development unless alternative arrangements are first agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to ensure the free flow of traffic.

15 The development shall not be occupied until the cycle parking areas in the detached cluster building and the visitor spaces have been provided in accordance with the approved plan 17029-P100 E (site plan) and 17029-P108 E (detached cluster ground floor plan). These areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

16 The buildings hereby approved shall not be occupied until the areas as shown on the approved plan 17029-P100 E, for parking and manoeuvring of vehicles have been constructed and laid out in accordance with these approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

17 No part of the development shall be occupied until the highway layout, as shown on the approved plans (including new footway and turning head shown on drawing 17029-P100 E (subject to highways agreements)) have been completed.

Informative: These works are to be documented in a Section 38 Agreement or similar highways agreement.

Reason: In the interests of highway safety

18 A detailed method of works statement identifying the programming and management of site clearance/excavation/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The works shall be carried out in accordance with the approved statement. The statement shall include as a minimum the following information;

- a) a dilapidation survey jointly undertaken with the local highway authority of the surrounding highway
- b) details of access/ egress and turning within the site for contractors and other users of the area
- c) where contractors will park

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users

19 Within 6 months of occupation of either building hereby approved, a travel plan shall be submitted to the Local Planning Authority for approval in writing. The travel

plan shall be developed and implemented in line with Department for Transport guidelines and shall be updated annually. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of the approved travel plan. Within 12 months of occupation of the site a first year travel survey shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce private car travel and promote sustainable travel.

INFORMATIVE: The travel plan shall contain; information on how private car ownership will be prevented, measures to prevent occupants parking on the adjacent streets, and delivery of further cycle parking if demand requires.

20 The development hereby permitted shall remain in single ownership and notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting that Order with or without modification), the development hereby approved shall be used only as student housing accommodation and shall not be used for any other purpose within Class C2, or any change of use otherwise permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Reason: For the avoidance of doubt and in order to control the future occupancy of the development in the event of it any part of it being sold or rented on the open market without securing adequate planning obligations (such as open space and education provision and affordable housing) in accordance with Policy H2a of the City of York Draft Local Plan. In addition the site is located within flood zone 3a and the sites use for other uses within Class C2 would need to set out emergency procedures in the event of flood.

21 No person other than a student registered with and engaged in a course of full time further or higher education or a delegate registered with and attending a part time educational course or conference within the City of York administrative boundary shall occupy any part of the development at any time. The owner, landlord or authority in control of the development shall keep an up to date register of the name of each person in occupation of the development together with course(s) or conference(s) attended, and shall make the register available for inspection by the local planning authority on demand at all reasonable times.

Reason: For the avoidance of doubt and in order to control the future occupancy of the development. The capacity of the site is required to be restricted given the requirement for emergency procedures in the event of flood.

22 An occupational management plan for the student accommodation shall be submitted to and approved in writing by the Local Planning Authority prior to occupation (of the student accommodation). The development shall be occupied in accordance with the approved occupational management plan at all times.

The occupational management plan shall include details of site operation/management, car parking, change over days, security measures, anti-social behaviour, maintenance, fire safety, and student liaison and community involvement. The plan shall detail how the operators of the student accommodation would be contactable should the need arise.

Reason: In the interests of the amenity of surrounding occupants.

23 The development shall be carried out in accordance with the submitted flood risk assessment (ref:AAH/0203/15FRA) and Flood Evacuation Plan and the following mitigation measures it details:

a. A suspended ground floor slab shall be installed with sub void area for flood storage as described in chapter 6. A maintenance agreement shall be put in place to ensure that the void space will remain available for flood storage for the development's lifetime.

b. Finished floor levels shall be set no lower than 11.62m above Ordnance Datum (AOD) for the four storey block and no lower than 13.03m AOD for the two storey block.

c. The flood proof/ resilient construction techniques detailed in chapter 9 are incorporated in the development.

These measures shall be fully implemented prior to occupation, and according to the scheme's phasing arrangements (or with any other period, as approved in writing, by the Local Planning Authority).

Reasons: To reduce the risk of flooding to the proposed development and future occupants and to reduce the impact of flooding to the proposed development and future occupants.

24 The development shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of 'very good'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 3 months of occupation of the building. Should the development fail to achieve a BREEAM standard of 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve a standard of 'very good'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and paragraphs 2.1 to 2.4 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.



25 Prior to commencement of construction, an additional site investigation should be undertaken to assess the nature and extent of any land contamination in previously inaccessible parts of the site. A detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) should then be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

26 Prior to first occupation of either building hereby approved, the approved remediation scheme must be carried out in accordance with its terms. A verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

27 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

28 VISQ4 Boundary details to be supplied

29 Before either of the two buildings are occupied, you shall provide the separate  
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stores for waste and materials for recycling as shown on drawing number 17029-P108 E. You must clearly mark them and make them available at all times to everyone using the student accommodation.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and paragraphs 2.1 to 2.4 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Discussion and revised plans to address the changes to the scheme.

#### **Contact details:**

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**Tel No:** 01904 554575

17/02702/FULM

Horwell Brothers Ltd, Coal Yard, 11 Mansfield Street



Scale : 1:1204

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	06 March 2018
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 14 March 2018      **Ward:** Huntington/New Earswick  
**Team:** Major and Commercial Team      **Parish:** New Earswick Parish Council

**Reference:** 17/02835/FUL  
**Application at:** New Earswick Sports Club White Rose Avenue New Earswick York YO32 4AG  
**For:** Erection of detached changing rooms for F1 Racing FC  
**By:** Mr Ian Yeowart  
**Application Type:** Full Application  
**Target Date:** 15 March 2018  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The Sport's Ground, White Rose Avenue, New Earswick comprises a substantial grass playing field with single storey existing brick built changing rooms, presently used for playing rugby, football and cricket on a site within the Green Belt to the north west of New Earswick village. Planning permission is sought for erection of a single storey changing room building and "club house" for F1 Racing Football Club on land to the west of the existing Rugby League Club House and Changing Room. The proposal envisages the construction of a timber clad building with a reconstituted slate roof with the relocation of an existing temporary storage building. The proposal has been amended since submission to remove a requirement for erection of temporary fencing around the football pitches.

1.2 The proposal was deferred from consideration at the 14th February 2018 Committee to enable the issues of "very special circumstances" necessary to justify inappropriate development within the Green Belt and potential precedent for other similar developments to be fully addressed.

**2.0 POLICY CONTEXT**National Planning Policy Framework

Paragraph 74 Building Healthy Communities;  
 Paragraphs 79-90 Protecting Green Belt Land.

2005 York Development Control Local Plan (4<sup>th</sup> Set of Changes)

GB1 Development in the Green Belt;  
 L1a) Leisure Development.

Emerging Local Plan (Pre – Publication Draft (2017)

GB1 Development in Green Belt;  
HW3 Built Sports Facilities.

The evidence base includes the Open Space and Green Infrastructure Study (Sept 2014)

### **3.0 CONSULTATIONS**

#### INTERNAL

##### Planning and Environmental Management (Landscape)

3.1 No comments received.

##### Strategic Flood Risk Management

3.2 No comments received.

##### Public Health Programme Manager

3.3 Supports the provision of additional changing facilities in principle however objects to the current proposal on the grounds that it would be harmful to the openness of the Green Belt and therefore amount to inappropriate development and that the requirements of the sport may be more appropriately provided for by means of a purpose built extension to the existing club house building. Concern is also expressed that the opportunity to rationalise the existing spread of storage structures at the site into one building has not been taken with the current proposal.

#### EXTERNAL

##### Yorkshire Water Services

3.4 Raise no objection to the proposal.

##### Sport England

3.5 Raise no objection to the proposal.

##### Foss (2008) Internal Drainage Board

3.6 Raise no objection to the proposal subject to the submission and approval of a detailed surface water drainage scheme.

##### New Earswick Parish Council

3.7 Raise no objection in principle to the proposal but raise concerns in respect of the proposed location of the changing rooms and the proposal for temporary pitch fencing which has subsequently been deleted from the proposal.

## 4.0 APPRAISAL

### KEY CONSIDERATIONS

\* Impact upon the open character and purposes of designation of the York Green Belt.

### PLANNING POLICY CONTEXT

#### Regional Spatial Strategy

4.1 Whilst the RSS has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates the general extent of the Green Belt around York. The saved policies in the RSS state that the detailed inner boundaries and the rest of the outer boundaries of the Green Belt around York need to be defined to protect and enhance the nationally significant historical and environmental character of York. The inner and outer boundaries of the Green Belt have not formally been defined or identified in an adopted plan. However, the site has been included as within Green Belt in both the DCLP and the emerging Local Plan as serving the Green Belt purposes of safeguarding the setting of the Historic City and preventing encroachment of urban development into open countryside. As such the site falls within the general extent of the Green Belt and Central Government Policy in respect of Green Belts as outlined in the National Planning Policy Framework (NPPF) applies.

#### National Planning Policy Framework (NPPF)

4.2 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by ensuring that land is kept permanently open. The essential characteristics of Green Belts are their openness and permanence. Whilst there is no definition of openness in the NPPF, the courts have considered that it is a concept which relates to the absence of buildings or built development. Paragraph 80 sets out the five purposes of the Green Belt:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.3 Paragraph 87 of the NPPF indicates that inappropriate development is by definition harmful to the Green Belt and should not be approved other than in very special circumstances. Paragraph 88 is clear that when considering a planning application Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.4 The presumption in favour of sustainable development set out in paragraph 14 of the NPPF does not apply in this case as the more restrictive NPPF policies concerning Green Belt apply.

#### Development Control Local Plan (DCLP) 2005

4.5 City of York Council does not have a formally adopted Local Plan. Nevertheless The City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) was approved for Development Management purposes (the DCLP).

4.6 The DCLP does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Given the age and the untested nature of the DCLP, it is considered that the document should be given very limited weight and that its role should depend upon its consistency with the NPPF.

#### Emerging Local Plan

4.7 On 21 February 2018 the Publication Draft York Local Plan 2018 ("2018 Draft Plan") was published for the final six week consultation. The emerging Local Plan policies contained within the 2018 Draft Plan can only be afforded limited weight at this stage of its preparation, and subject to their conformity with the NPPF and the level of outstanding objection to the policies in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

4.8 The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited. The evidence base that underpins the proposed emerging policies is a material consideration in the determination planning applications.



## IMPACT ON THE GREEN BELT

4.9 The proposal envisages the erection of a single storey timber clad structure with a reconstituted slate roof directly to the west of the existing timber built club house used by the New Earswick Rugby League Club and the local Cricket Club. The area is partially occupied by a prefabricated unit used for storage and partially covered by an area of mature landscaping which contributes to the definition of the boundary of the site. The prefabricated unit would be re-located directly to the east in the event of the proposal being implemented. The New Earswick Sports Ground is extremely open in character with a hard edge to the development of New Earswick village to the south and east and clear long distance views from the village across the field towards the York to Scarborough Railway to the north. Existing built development is confined to the club house with a small number of other structures used for storage directly around it. The proposal would involve the erection of a new building directly to its west in an area presently partly taken up with mature landscaping. The building would be designed to meet the requirements of the FA in respect of the tier of football at which the team participates.

4.10 Paragraph 89 of the NPPF indicates that all new built development is inappropriate within the Green Belt unless it comes within one of a number of specific categories which include appropriate facilities for outdoor sport and recreation providing they do not harm the openness of the Green Belt or the purposes of its designation. The current proposal by virtue of the nature of the site and its characteristics would materially harm the openness of the Green Belt by extending the footprint of built development to the north. It would therefore be inappropriate development in the Green Belt for which paragraph 87 of the NPPF seeks the submission of a detailed case for "very special circumstances" in order to be overcome. Paragraph 88 further indicates that a case for "very special circumstances" must at the same time overcome any harm by reason of inappropriateness and any other harm.

4.11 Whilst it is acknowledged that the proposed building is limited to providing changing and storage facilities only, it would extend the built foot print of development further to the west and would represent an encroachment into open countryside and an area considered to form part of the historic character and setting of the city (green wedge) which would conflict with two of the purposes of including land within the Green Belt. Furthermore there is concern that other sports which are active at the site including tennis and cricket could seek to provide their own separate permanently constructed facilities which would further encroach into open countryside. The applicant has sought to address this latter concern by negotiating joint usage of the facilities with the New Earswick Tennis Club who have recently relocated to the site as part of the Red Lodge re-development. The Tennis Club formerly had good quality club and changing accommodation close to the centre of New Earswick which has been lost along with their courts with the re-development proposal. The current proposal would enable them to overcome their need without

themselves adding to any definitional harm to the Green Belt and its essential quality of openness.

### Other Considerations

4.12 In order to overcome the strong presumption against inappropriate development within the Green Belt a case for "very special circumstances" should be forthcoming. The existing club house used by both Rugby and Cricket clubs is of substantial construction and may be capable of extension or adaptation to accommodate the requirements of the football club. This may however prove problematic for operational reasons due to parallel training and fixture schedules for the rugby and football clubs as well as a lack of provision for people with disabilities. They further indicate that the grant awarding body for the development, the FA would not be willing to fund an extension to the existing building and that the Rugby Club themselves have a long term aspiration to replace the building with something more suitable. The Public Health Programme Manager indicates that funding may be available for such work through Section 106 monies however design and other work is at a very early stage and the requirement for club accommodation for the football club is one that requires resolution in the short term. Taking account of the clear need to provide appropriate club and changing facilities for the football club which match the requirements of the FA in the immediate future together with the evolving arrangements for sharing facilities between the tennis and football clubs, it is felt, having carefully weighed these matters, that in this particular case other considerations of sufficient weight exist to clearly outweigh the harm caused by the development to the Green Belt by reason of inappropriateness and to the openness and purposes of the Green Belt.

## **5.0 CONCLUSION**

5.1 The proposal would give rise to harm to the openness of the Green Belt and would encroach on the open countryside and green wedge. Substantial weight is given to the harm which the proposal would cause to the Green Belt. Operational issues relating to training and playing of fixtures together with the requirements of the FA rule out the possibility of joint use of the existing club house or its extension. It is therefore felt in this particular case that the proposal with the joint use arrangement with the tennis club does provide a sufficient case for "very special circumstances" which clearly outweighs any harm to the Green Belt by reason of inappropriateness and any other harm.

## **6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing Refs:- 010 Rev A; 002 Rev A; 003 Rev A; 020 Rev A.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 VISQ8 Samples of exterior materials to be app

4 LAND1 IN New Landscape details

5 No development approved by this permission shall be commenced above foundation level until a scheme for surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be implemented in strict accordance with the details thereby approved prior to the premises being first brought into use.

Reason: To minimise flood risk to neighbouring properties and to secure compliance with paragraph 103 of the NPPF

6 Prior to the commencement of the development hereby authorised above foundation level a detailed management plan covering joint use of the changing and club house facilities by both football and tennis clubs shall be submitted to and approved in writing by the Local Planning Authority and shall thenceforth be implemented upon the premises being first brought into use and shall thereafter be retained during the lifetime of the development.

Reason: To safeguard the openness and purposes of designation of the Green Belt.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Sought clarification of the case for "very special circumstances" in respect of the Green Belt implications of the proposal.

#### **Contact details:**

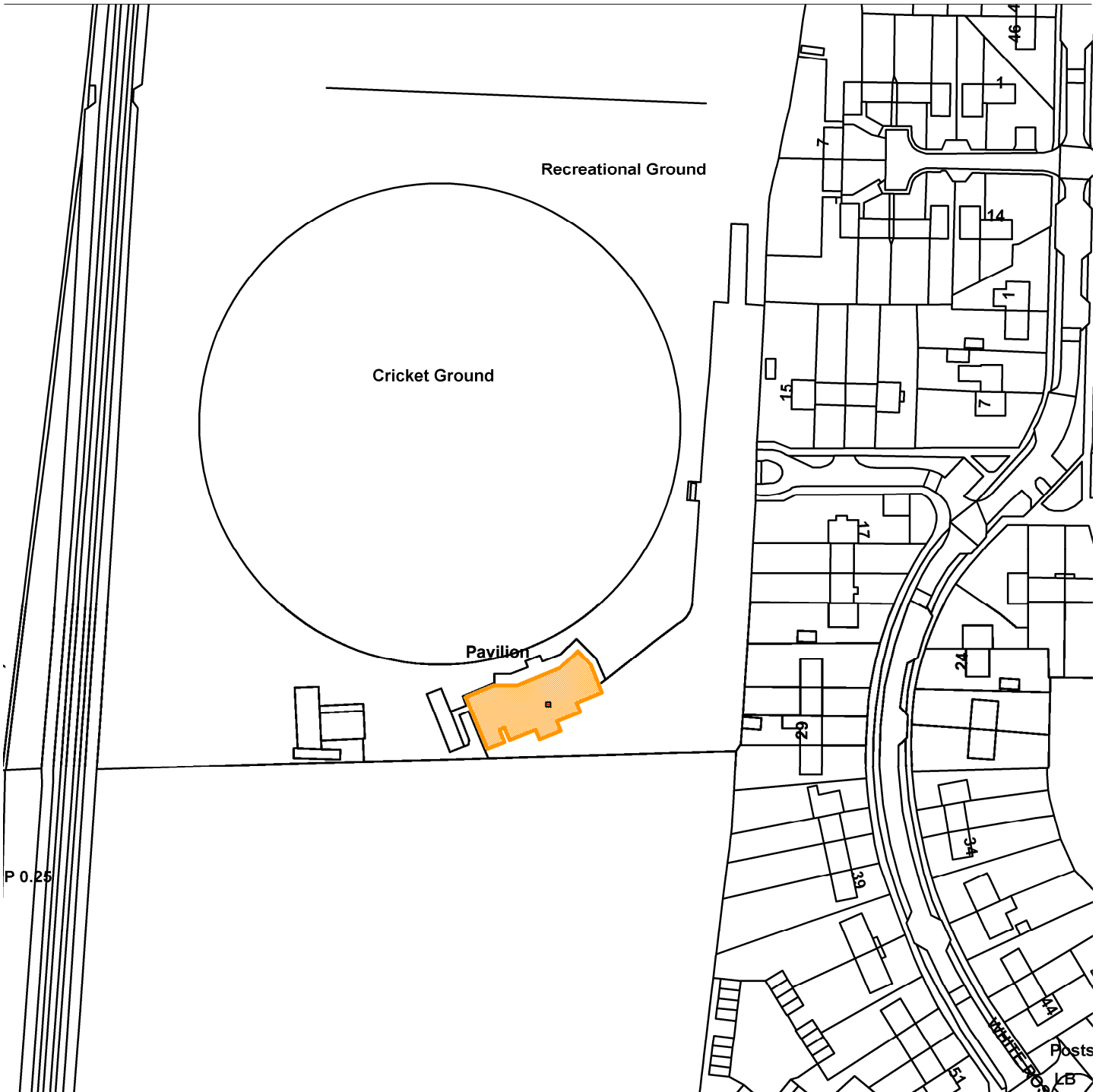
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17/02835/FUL

New Earswick Sports Club, White Rose Avenue, New Earswick



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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	06 March 2018
<b>SLA Number</b>	Not Set

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